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REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the Advisory Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the executed Declaration of Mr. Yamazaki which was filed on August 3, 2006 and the following remarks.

Advisory Action

In the Advisory Action, the Examiner stated that the Declaration was unexecuted and cannot be considered probative. An executed Declaration was filed on August 3, 2006 and, thus, it is respectfully requested that the Examiner reconsider the Declaration data since an executed Declaration has now been filed. For the sake of clarity, attached to this Submission is a copy of the executed Declaration.

The second point raised by the Examiner in the Advisory Action was that the Declaration did not specify the meaning of the designations "A", "B" and "D" in the halftone unevenness test as described in Paragraph 10 of the Declaration.

The Examiner's attention is directed to Paragraph 9 of the Declaration which states that copies were made in accordance with pages 46-49 of the Application. On page 49 of the Application, the meaning for unevenness of halftone images using the designations A, B and D are given. Specifically, A means uniform images without unevenness, B means images having a few slight uneven lines; and D means images having several clear uneven lines.

Thus, Nozawa 2 shows that, although it started out with images having few slight uneven lines, after 50,000 copies resulted in images having several clear uneven lines. This can be contrasted against the present Invention, Nozawa 3, wherein it started out with uniform images without unevenness and ended up as images having few slight uneven lines, after 50,000 copies. In other words, toner made in accordance with the present Invention had halftone unevenness equal at 50,000 copies equal to the toner unevenness of the initial prior art, Nozawa 2. Respectfully, the data clearly demonstrates the unique aspects of the present Invention and the patentability of the present Invention over the combination of the cited references.

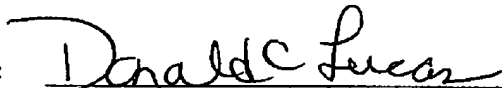
Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. A one month extension of time is hereby requested and PTO Form 2038 is enclosed herewith authorizing payment of the appropriate government fees. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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DCL/mr

Encl: Executed RCE Transmittal  
Executed PTO Form 2038  
Copy of Declaration of Mr. Yamazaki, as filed 8/3/06